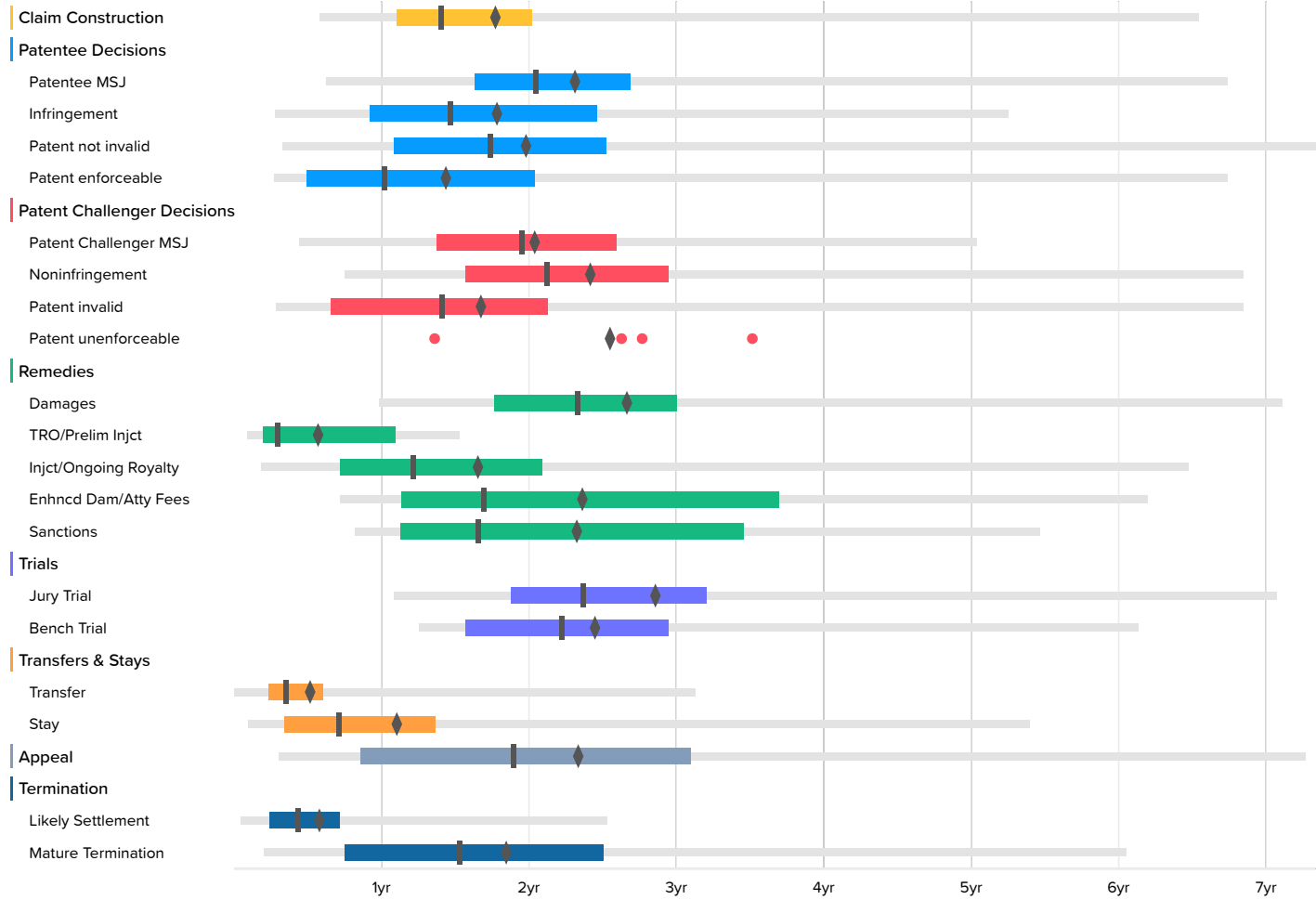


# **EXHIBIT D**

Time to Milestones

VIEW IN BROWSER

U.S. District Courts (2865 cases)



## U.S. District Courts

|                       | Occurrences | Minimum | 2nd Percentile | First Quartile | Median | Third Quartile | 98th Percentile | Maximum | Average |
|-----------------------|-------------|---------|----------------|----------------|--------|----------------|-----------------|---------|---------|
| Claim Construction    | 476         | -3.4    | 7.0            | 13.2           | 16.8   | 24.2           | 78.4            | 124.9   | 21.4    |
| Patentee MSJ          | 137         | 2.4     | 7.5            | 19.5           | 24.5   | 32.2           | 80.7            | 97.7    | 27.9    |
| Infringement          | 309         | 3.1     | 3.3            | 11.0           | 17.6   | 29.5           | 62.9            | 88.0    | 21.6    |
| Patent not invalid    | 426         | 2.2     | 3.9            | 13.0           | 20.8   | 30.2           | 87.8            | 124.3   | 23.9    |
| Patent enforceable    | 100         | 2.2     | 3.3            | 5.9            | 12.2   | 24.4           | 80.7            | 88.0    | 17.4    |
| Patent Challenger MSJ | 437         | 0.4     | 5.3            | 16.5           | 23.4   | 31.0           | 60.3            | 88.1    | 24.6    |
| Noninfringement       | 472         | 1.1     | 9.0            | 18.8           | 25.4   | 35.3           | 82.0            | 125.1   | 29.2    |
| Patent invalid        | 450         | 1.0     | 3.4            | 7.8            | 16.9   | 25.5           | 82.0            | 97.2    | 20.3    |
| Patent unenforceable  | 8           | 16.3    |                |                | 32.3   |                |                 | 42.1    | 30.8    |
| Damages               | 117         | 8.8     | 11.8           | 21.1           | 27.9   | 36.0           | 85.1            | 88.0    | 32.1    |
| TRO/Prelim Injct      | 157         | 0.7     | 1.1            | 2.4            | 3.5    | 13.1           | 18.3            | 18.3    | 7.0     |
| Injct/Ongoing Royalty | 189         | 1.0     | 2.2            | 8.6            | 14.6   | 25.0           | 77.6            | 80.4    | 20.0    |
| Enhncd Dam/Atty Fees  | 74          | 4.9     | 8.6            | 13.6           | 20.3   | 44.3           | 74.2            | 74.2    | 28.5    |
| Sanctions             | 27          | 9.0     | 9.8            | 13.5           | 19.8   | 41.4           | 65.5            | 65.5    | 28.1    |
| Jury Trial            | 309         | 12.2    | 13.0           | 22.5           | 28.3   | 38.4           | 84.7            | 85.1    | 34.4    |
| Bench Trial           | 12          | 13.6    | 15.0           | 18.9           | 26.6   | 35.3           | 73.4            | 73.4    | 29.5    |
| Transfer              | 98          | 0.0     |                | 2.8            | 4.2    | 7.2            | 37.5            | 37.5    | 6.4     |
| Stay                  | 857         |         | 1.1            | 4.1            | 8.5    | 16.3           | 64.6            | 118.0   | 13.4    |
| Appeal                | 504         | -19.7   | 3.6            | 10.3           | 22.7   | 37.1           | 87.0            | 125.8   | 28.2    |
| Likely Settlement     | 1538        | 0.0     | 0.5            | 2.9            | 5.2    | 8.6            | 30.3            | 90.6    | 7.2     |
| Mature Termination    | 976         | 0.1     | 2.4            | 9.0            | 18.3   | 30.0           | 72.5            | 125.1   | 22.3    |